

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)	ORDER DENYING MOTION
BY WWC LICENSE LLC AGAINST GOLDEN)	FOR PARTIAL SUMMARY
WEST TELECOMMUNICATIONS)	JUDGMENT REGARDING
COOPERATIVE, INC., VIVIAN TELEPHONE)	PAYMENT OF UNDISPUTED
COMPANY, SIOUX VALLEY TELEPHONE)	OVERAGE CHARGES; AND,
COMPANY, UNION TELEPHONE COMPANY,)	ORDER GRANTING MOTION
ARMOUR INDEPENDENT TELEPHONE)	FOR PARTIAL SUMMARY
COMPANY, BRIDGEWATER-CANISTOTA)	JUDGMENT REGARDING
INDEPENDENT TELEPHONE COMPANY AND)	APPLICABILITY OF
KADOKA TELEPHONE COMPANY)	INTEREST TO OVERAGE
REGARDING INTERCARRIER BILLINGS)	CHARGES
)	CT05-001

On February 16, 2005, the Public Utilities Commission (Commission) received a complaint filed by WWC License LLC (Complainant) against Golden West Telecommunications Cooperative, Inc., Vivian Telephone Company, Sioux Valley Telephone Company, Union Telephone Company, Armour Independent Telephone Company, Bridgewater-Canistota Independent Telephone Company and Kadoka Telephone Company (Golden West Companies) regarding intercarrier billings.

On February 17, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of March 4, 2005, to interested individuals and entities. No petitions to intervene or comments were filed.

On March 8, 2005, the Commission received an Answer and Counterclaim of Golden West Companies. On March 29, 2005, the Commission received WWC's Answer to Golden West Companies' Counterclaim. On April 6, 2005, the Commission received a Motion for Partial Summary Judgment and Memorandum in Support of Motion for Partial Summary Judgment from WWC. On May 20, 2005, the Commission received a Memorandum in Response to Complainant's Motion for Partial Summary Judgment from the Golden West Companies. On May 23, 2005, the Commission received an Affidavit of Dennis Law from the Golden West Companies.

At its duly noticed May 24, 2005, meeting, the Commission considered this matter. The Commission unanimously voted to grant the Motion for Partial Summary Judgment regarding jurisdiction, determining that the Commission does have jurisdiction over this matter pursuant to SDCL Chapters 49-13 and 49-31 and 47 U.S.C. § 252, but to take the matter under advisement, and defer voting regarding WWC's request for immediate payment of undisputed overage charges and WWC's request that the Commission find interest is applicable to any overage charges.

The Commission finds that it has jurisdiction in this matter pursuant to SDCL Chapters 1-26, 49-1, including 49-1-9 and 49-1-11, 49-13, including 49-13-1 through 49-13-14.1, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-11, 49-31-76 and 49-31-89, and ARSD Chapters 20:10:01 and 20:10:32.

At its duly noticed June 14, 2005, meeting, the Commission considered WWC's request for immediate payment of undisputed overage charges and WWC's request that the Commission find interest is applicable to any overage charges. The Commission unanimously voted to deny the Motion for Partial Summary Judgment regarding payment of undisputed overage charges and grant the Motion for Partial Summary Judgment regarding applicability of interest to overage charges. It is therefore

ORDERED, that the Motion for Partial Summary Judgment regarding payment of undisputed overage charges is denied, and the Motion for Partial Summary Judgment regarding applicability of interest to overage charges is granted.

Dated at Pierre, South Dakota, this 28th day of June, 2005.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Mildred Kolbs</u>
Date:	<u>6/29/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner